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10/783,855

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Takasi Kumagai

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JORDAN AND HAMBURG LLP
122 EAST 42ND STREET
SUITE 4000
NEW YORK, NY 10168

EXAMINER

HU, KANG

ART UNIT

PAPER NUMBER

3715

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/783,855	Applicant(s) KUMAGAI, TAKASI	
	Examiner KANG HU	Art Unit 3715	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 October 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 9-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 9-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. Present office action is in response to amendment filed 10/8/2008. Claims 8 is cancelled, claims 1-7 and 9-24 are currently pending in the application.

Claim Objections

2. Claim 17 is objected to because of the following informalities: claim 17 states “poratable” device. Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-4, 6, 9-18, 22 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al. (US 2002/0196342 A1) in view of examiner’s official notice.

Re claim 1, Walker teaches a photographing system for obtaining a photograph of at least a player when a result of a game is revealed to the player in a game hall (abstract: events experience by a player is documented and the documentation of an event is stored in association with an indication of the event), comprising: a game machine operable by the player for playing the game (¶23, slot machine), said game machine communicating the result of the game to the player, the game machine including a photographing request switch that is operable by the player

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after the game machine communicates the result to the player (§98, a gaming device may be equipped with a "document" button or area of a touch screen which, when actuated by a player, will cause an outcome occurring on the slot machine to be documented), Walker does not explicitly teach of the game machine further including a photographing request lamp which is lit in response to the player operating the photographing request switch which indicates a request for recording an image of the player, walker teaches (§29, a signal from the slot machine, indicative of the about-to-be-displayed outcome, may be transmitted from the slot machine to a computing device controlling the cameras throughout the casino). The examiner takes **official notice** that it is well known to one of ordinary skill in the art that a lamp is common and ordinary to a slot machine (Wurz et al. (US 6,102,394, Col 3, line 50: illuminates a light) to request for service. It would have been prima facie obvious at the time of the invention to use the commonly used lamp to get the attention of the clerk in charge, such photographing request lamp would have been an intended use, a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim; a photographing apparatus for recording an image of the player at a time when the result of the game is revealed to the player (§29, a camera may thus be directed to focus on the player and capture the reaction of the player);

Walker does not explicitly teach of using a portable device including a display for visually displaying result data representative of the result of the game, It is admitted prior art by the applicant that having a picture taken with the player holding (accommodatable) a check (portable

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display device) with the winning amount (result data) is well known to one of ordinary skill in the art. It would have been prima facie obvious at the time of the invention to have a portable device present at the time of documentation to provide further excitement to the player to show their families they have won, and also for the casino to advertise to their patrons on the outcome of specific game to attract more players to play at the casino.

Walker does not explicitly teach of having the clerk approach the player with a display apparatus and a camera; Walker teaches ¶ 229: the player may be documented by mobile devices. For example, the player's cell phone may record sounds and conversations in which the player is involved. These may be transmitted back to the central controller for inclusion in the player's scrape book. The player may carry a camera, perhaps on loan from a casino. The player may set the camera to capture a picture of him or of his surrounds. In some embodiments, a circling airplane, blimp, or satellite may capture pictures of the player. Strictly slots teaches of having a player's picture taken with a check with the amount of winning on the check. It would have been obvious at the time of the invention to incorporate having a live person approaching the player and have their picture taken to promote the enjoyment of the player and the promotion of the casino.

Re claim 2, the game machine has a function for outputting the contents of a game to an external recording medium (casino servers, conventional personal computer, portable type of computer, such as laptop and etc.) (¶ 57); Previously portable device is indicated as the big check being held by the player, Walker also teaches of a portable device including a display for visually

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displaying result data representative of the result of the game (¶52, any and all of the controller, the documenting device, and event detection device may comprise, e.g., a conventional personal computer, a portable type of computer, such as a laptop computer, a palm-top computer, a hand-held computer, a personal digital assistant, etc.), it would have been obvious to one of ordinary skill in the art that a portable computer, palm-top computer, handheld computer and a personal digital assistant can be used for displaying the result of the game as well as the big check as all the portable devices would have a display device and easily accommodatable among a player.

The portable device has a function of inputting the contents of the game recorded in the external recording medium (controller may be in communication with a first computing device that in turn controls the documenting device and a second computing device and in turn controls the event detection device); the display of the portable device displays a result of a predetermined game of the game machine through the external recording medium (the controller, the portable device displays the result of the predetermined game of the game machine ¶61,).

Re claim 3, the game machine comprises a data output connector for outputting the result of the game externally of the game machine; and the portable device comprises a data collection connector that is connected to the connector of the game machine and inputs the Result of the game output from the game machine (¶ 44, 57, and 61)

Re claim 4, the game machine has a function for outputting the result of the game externally of the game machine by a radio system data transmission using visible light rays, infrared rays, or

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electromagnetic waves; and the portable device has a transmitted data collecting/ receiving function for inputting the result of the game output from a game machine (§ 44, 57, 61).

Re claim 6: portable device comprises a manual setting mechanism; and at least a part of the result of the game displayed by the game machine is manually input to the display apparatus or the contents of the result of the game displayed by the game machine are manipulated by the manual setting mechanism, respectively (the winning amount is displayed on the check in strictly slots).

Re claim 9: game machine displays that a change request input device also acts as said photographing request input device is intended use by the applicant, a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim (§ 29, 30, 84 and 98).

Re claim 10: game machine outputs a result of an immediately preceding game to an external recording medium by an operation for outputting the data to an external device (§ 61 and 174).

Re claim 11: the game machine compares a game result with an immediately preceding game result; records a result of a game having high evaluation under a specific evaluating condition

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and outputs a result of a game that has obtained a maximum evaluation in a series of games externally of the game machine (§ 46 - 48).

Re claim 12: the game machine automatically outputs the result of the game to a control center of a game hall as well as comprises a device for requesting to feed back the result of the game automatically output to the control unit to the game machine; and the data of the result of the game fed back through the game machine is output to the portable device is best understood as having the result of the game send both to the portable device and the central server (§ 44-49).

Re claims 13-15: the portable device is of a hand-held type (discussed above in claim 1); and the player as a subject gets his or her photograph taken while holding the portable device showing the result of the game (player holding the big check in strictly slots) (claims 13); portable device is of a shoulder type so that said display apparatus can be directly fitted to the player as a subject while leaving hands of the player free is not explicitly taught by Walker, the examiner takes **official notice** that it is well known to attach a string to hang a portable device around a person's neck to free the hands, for example most cameras have a strap for the photographer to hang the camera around its neck, identification devices would also have string for the user to hang around its neck (claim 14); the portable device is built in the photographing apparatus; and the result of the game input to the display apparatus is displayed and recorded on an image recording medium in photographing (claim 15) best understood as the portable device is connected to the photographing apparatus and able to retrieve the game record (§ 52-57, 169 and 228: portable computers and pda's).

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Re claim 16: the photographing apparatus comprises an instant camera; and a display on the light-emitting type data display surface of the display apparatus is printed to a film of the camera (¶ 185).

Re claim 17: the photographing apparatus comprises a digital camera having a CCD; and a display on the light-emitting type data display surface of the display apparatus is output to the CCD through a reduction lens (¶ 228).

Re claim 18: Walker discloses a method of providing a service using a photographing system for displaying a result of a game arranged to take a photograph of at least a player playing a game with a game machine in one frame together with the result of the game, comprising: assigning a clerk as a photographer in charge of photographing who is admitted to execute photographing in a game hall (¶ 29, pictures of a player are taken by casino personnel);

Issuing a photographing request signal in accordance with an intention of the player which is communicated to the clerk (¶ 98, a gaming device may be equipped with a "document" button or area of a touch screen which, when actuated by a player, will cause an outcome occurring on the slot machine to be documented, and ¶ 29, a signal from the slot machine, indicative of the about-to-be-displayed outcome, may be transmitted from the slot machine to a computing device controlling the cameras throughout the casino);

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Walker does not explicitly teach of having the clerk approach the player with a display apparatus and a camera; Walker teaches ¶ 229: the player may be documented by mobile devices. For example, the player's cell phone may record sounds and conversations in which the player is involved. These may be transmitted back to the central controller for inclusion in the player's scrape book. The player may carry a camera, perhaps on loan from a casino. The player may set the camera to capture a picture of him or of his surrounds. In some embodiments, a circling airplane, blimp, or satellite may capture pictures of the player. Strictly slots teaches of having a player's picture taken with a check with the amount of winning on the check. It would have been obvious at the time of the invention to incorporate having a live person approaching the player and have their picture taken to promote the enjoyment of the player and the promotion of the casino.

Displaying at least one of a winning pattern, the amount of a prize, the amount of dropped money, or a winning multiplication of contents of a game is displayed on the game machine or a display apparatus (abstract: one example of an event experienced by a player is an outcome obtained by a player on a gaming device. In such an embodiment the documentation of the event may comprise an image of the player's reaction to the outcome and the indication of the outcome may be a representation of symbols comprising the outcome); and photographing the player and the game machine and the display apparatus, which displays the contents of the game, such that the player and the game machine or the display apparatus are photographed in one frame, said display apparatus being held or worn on a person of the player at a time of said photographing (strictly slots)

Re claim 22: Walker further discloses the game machine is arranged such that when a high evaluation is obtained under specific conditions of a high multiplication or a high score is achieved with respect to an amount of dropped money as a result of a game, a change request display, a photographing request display, or a photographing recommendation display is automatically operated, and the clerk in charge of photographing is called by the display which is operated (§ 174).

Re claim 24: Walker further discloses a photographing fee is previously set to photographing; and when the photographing is executed, the photographing fee is directly asked to the player or drawn from money on deposit (§192 and 193).

5. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al. (2002/0196342A1) in view of Yagy (US 6,037,922)

6. Re claim 5: the claim as best understood by the examiner, the game machine comprises card communication check lamps disposed near an external recording medium insertion slot; the portable device comprises a photoelectric conversion light-receiving connector for collecting data from the card communication check lamps (infrared connection); the photoelectric conversion light-receiving connector is insertable into and engageable with the external recording medium insertion slot; the card communication check lamps of the game machine are disposed in confrontation with a photoelectric conversion light receiving section of the photoelectric conversion light—receiving connector when inserted into the external recording

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medium insertion slot; and the data of the result of the game of the game machine is output to the portable device by light emitted by the card communication check lamps of the game machine by a predetermined protocol (§ 48, communication with the controller may be direct or indirect. For example, communication may be via internet through web site maintained by controller on a remote server or via an on-line data network including commercial on-line service providers, bulletin board systems and the like. In some embodiments, the documenting device and / or the event detection device may communicate with controller over radio frequency ("RF"), infrared ("IR"), cable TV, satellite links and the like). One of ordinary skill in the art understands that IR data transmission is employed in short-range communication among computer peripherals and personal digital assistants. These devices usually conform to standards published by IrDA, the infrared data association. Remote controls and IrDA device use infrared light-emitting diodes (LEDs) to emit infrared radiation which is focused by a plastic lens into a narrow beam. The beam is modulated, i.e. switched on and off, to encode the data. Although Walker explicitly teaches of using infrared, however does not disclose of it in detail. Yagyu teaches of an optical modulation unit is constituted by a light source periodically turned on, and optical modulation means including an optical modulation element and periodically turned on. The optical modulation unit is driven by changing a voltage applied to the optical modulation element depending on given graduation data so as to modulate an overlapping time between an ON period of the optical modulation means and a lighting period of the light source (abstract). There is provided a driving method for an optical modulation unit including an optical modulation device comprising a pair of electrodes, and a photoelectric layer and an optical modulation element disposed between the pair of electrodes, a signal light source for supplying light data

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carrying graduation data to the photoelectric conversion layer. It would have been obvious to one of ordinary skill in the art that infrared are carried out by light-emitting diodes and direct sight is necessary for the light transmission to reach the receiver.

7. Claims 7, 19, 20, 21 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al. (2002/0196342A1) in view of Pike et al. (US 5,306,028) The teachings of Walker '342 have been discussed above.

Re claims 7, 19, 20, 21 and 23: Walker did not explicitly disclose of mounting the portable device and the photographing apparatus on a cart that is circulated by the clerk in charge, and the method of asking the clerk in charge of change to take a photograph of the player.

Pike teaches the use of a change cart for providing change to the players in the casino. In the background of Pike's specification, Pike states "It is common in gambling casinos for workers to circulate among players with change belts to keep the players supplied with coins, particularly for slot machines and the like. Heretofore, the coins were carried in heavy duty change belts which were of substantial weight when filled with coins. The weight of the change belts frequently caused back and leg pains, particularly when worn for a length of time." It would have been prima facie obvious to one of ordinary skill in the art that the clerk in charge of change are also casino employees as described by Walker in charge of capturing memorable moments when the player is staying at their casino. It is also common sense as Pike stated in the cited section above that when carrying heavy objects, the employee would most likely have back and leg pains. It would have been common sense for the clerk to put any photo equipment along with the

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portable device in the cart and take it out when needed. It is well-known in the art that each of the machines in the casino have a change lamp where the players can actuate the lamp and request change. It would have been obvious to request the casino employee to capture a picture at the same time.

Response to Arguments

8. Examiner has previously taken official notice that the player often gets their picture taken with a check with their winning amount and the game they were playing shown on the check are well-known to one of ordinary skill in the art, when official notice goes unchallenged it becomes admitted prior art. See MPEP 2144.03, section C.

9. Before replying to applicant's argument, the examiner would like to point out the incorrect statement made by the applicant in regards to claim 5, the applicant stated "The examiner and his supervisor admitted in response to arguments present by applicant's counsel that the grounds of this rejection are inadequate to support a prima facie case of obviousness. In particular, the secondary reference fails to teach or suggest any of the recited elements admitted as absent from Walker et al. reference." The examiner respectfully disagrees with that statement as no such admittance took place, and would respectfully request the applicant to submit the arguments in writing to particularly point out the how the grounds of this rejection are inadequate.

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10. Applicant's arguments filed 10/8/2008 have been fully considered but they are not persuasive.

11. Re applicant's argument in regards to photographing request switch, Walker teaches (¶98, a gaming device may be equipped with a "document" button or area of a touch screen which, when actuated by a player, will cause an outcome occurring on the slot machine to be documented).

Re applicant's argument in regards to a portable device including a display for visually displaying result data representative of the result of the game which is available at time when said result of said game is revealed to the player in said game hall and in the possession of a clerk in charge of taking the image and who approaches said player with a camera in response to a lighting of a photographing request lamp.

The argument has been addressed above in the rejection and will not be repeated herein; Furthermore, the applicant has failed to show how the many photographs of a user with giant checks fail to provide an enabling disclosure for the features of having a photographer approach a player and taking a picture of the player with the display of a result of the game.

Re claim 18, the methodology of 1) assigning a clerk as a photographer in charge of photographing who is admitted to execute photographing in a game hall, applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims

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define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references. Walker teaches (§ 29, pictures of a player are taken by casino personnel).

2) issuing a photographing request signal in accordance with an intention of the player which is communicated to the clerk

Walker teaches issuing a photographing request signal in accordance with an intention of the player which is communicated to the clerk (§ 98, a gaming device may be equipped with a "document" button or area of a touch screen which, when actuated by a player, will cause an outcome occurring on the slot machine to be documented, and § 29, a signal from the slot machine, indicative of the about-to-be-displayed outcome, may be transmitted from the slot machine to a computing device controlling the cameras throughout the casino);

3) having the clerk approach the player with a display apparatus and a camera

Walker does not explicitly teach of having the clerk approach the player with a display apparatus and a camera; Walker teaches § 229: the player may be documented by mobile devices. For example, the player's cell phone may record sounds and conversations in which the player is involved. These may be transmitted back to the central controller for inclusion in the player's scrape book. The player may carry a camera, perhaps on loan from a casino. The player may set the camera to capture a picture of him or of his surrounds. In some embodiments, a circling airplane, blimp, or satellite may capture pictures of the player. Strictly slots teaches of having a player's picture taken with a check with the amount of winning on the check. It would have been

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obvious at the time of the invention to incorporate having a live person approaching the player and have their picture taken to promote the enjoyment of the player and the promotion of the casino.

4) displaying at least one of a winning pattern, the amount of a prize, the amount of dropped money, or a winning multiplication of contents of a game on the game machine or a display apparatus

and

5) photographing the player and the game machine and the displaying apparatus, which displays the contents of the game, such that the player and the game machine and the display apparatus are photographed in one frame, wherein the display apparatus is held or worn on a person of the player at a time of photographing.

Walker teaches of displaying at least one of a winning pattern, the amount of a prize, the amount of dropped money, or a winning multiplication of contents of a game is displayed on the game machine or a display apparatus (abstract: one example of an event experienced by a player is an outcome obtained by a player on a gaming device. In such an embodiment the documentation of the event may comprise an image of the player's reaction to the outcome and the indication of the outcome may be a representation of symbols comprising the outcome); and photographing the player and the game machine and the display apparatus, which displays the contents of the game, such that the player and the game machine or the display apparatus are photographed in

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one frame, said display apparatus being held or worn on a person of the player at a time of said photographing (strictly slots).

Re claims 7, 19, 20, 21 and 23, applicant has argued that “has failed to explain what incentive or motivation the clerk would have to have such photographic equipment at hand in the first place based merely upon the reference disclosure alone, since the reference is concerned only with coin change availability and dispensing.” The examiner previously provided it is common in gambling casinos for workers to circulate among players with change belts to keep the players supplied with coins, particularly for slot machines and the like. Heretofore, the coins were carried in heavy duty change belts which were of substantial weight when filled with coins. The weight of the change belts frequently caused back and leg pains, particularly when worn for a length of time.” It would have been prima facie obvious to one of ordinary skill in the art that the clerk in charge of change are also casino employees as described by Walker in charge of capturing memorable moments when the player is staying at their casino. It is also common sense as Pike stated in the cited section above that when carrying heavy objects, the employee would most likely have back and leg pains. It would have been common sense for the clerk to put any photo equipment along with the portable device in the cart and take it out when needed. A cart is not only used in the casino to provide changes, but also used in grocery stores to help people carry extra food items, in the library for carrying books, in the mail room for carrying mails, a cart is used everyday by people of all professions, not just to provide change to players in a casino, one would use a cart to carry any supply as deemed convenient for the person, at the same time when a person has a camera and can not take a picture of himself (self-portrait), the

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person would ask people around to help with getting their picture taken. Therefore the examiner asserts that the rejections provided are obvious.

Conclusion

12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KANG HU whose telephone number is (571)270-1344. The examiner can normally be reached on 8-5 (Mon-Thu).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on 571-262-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kathleen Mosser/
Primary Examiner, Art Unit 3715

/K. H./
Examiner, Art Unit 3715